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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,171	10/22/2001	Elizabeth Cates	5235	1594
7590 01/15/2004				
Milliken & Company P.O. Box 1927 Spartanburg, SC 29304				
			EXAMINER SHEWAREGED, BETELHEM	
			ART UNIT 1774	PAPER NUMBER 13
DATE MAILED: 01/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,171

Applicant(s)

CATES ET AL.

Examiner

Betelhem Shewareged

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 4-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's response filed on 10/27/2003 has been fully considered. The double patenting rejections over copending applications 10/044,414 and 10/044,166 have been withdrawn in view of Applicant's submission Terminal Disclaimer. The 35 USC 102 rejection anticipated by Abe and the 35 USC 103 rejection over Abe and Abe in view of McDowell have been withdrawn in view Applicant's comments.
2. Claims 2 and 3 are amended, and claims 1-28 are pending. (NOTE: Claims 4-22 are withdrawn from consideration as non-elected invention).

Double Patenting

3. Claims 1, 2 and 23-28 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-5 and 13-23 of copending Application No. 10/040,742.

Applicant indicated that a Terminal Disclaimer has been submitted to overcome the provisional rejection, however, the Office has never received such document.

Claim Objections

4. Claims 1-3 and 23-28 are objected to because of the following informalities: The phrase "an sorbant" should read "a sorbant". Appropriate correction is required.

Applicant was non-responsive for the above claim objection.

Claim Rejections - 35 USC § 102

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (EP 6935587).

Claim Rejections - 35 USC § 103

6. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (EP 6935587).

Response to Arguments

7. Applicant's argument to the above 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections is based on that the water soluble substance having a hydrophilic group listed in Aoki are monomeric and oligomeric small molecules, and are not polymers. This argument is not persuasive because Aoki is not limited to the water soluble substance listed in page 4, lines 34-42. Akai also discloses water soluble polymer such as carboxymethylcellulose (see page 18, lines 44-46).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Thur. 7:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'B/A' with a stylized flourish.

Betelhem Shewareged
January 09, 2004.